

Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 /057 R

DRAFTED BY NEA/PAB:MHORNBLOW:DE
APPROVED BY NEA/PAB:MHORNBLOW
-----070690 200057Z /13

P 192157Z JAN 78
FM SECSTATE WASHDC
TO CINCPAC PRIORITY

C O N F I D E N T I A L STATE 015318

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: MASS, PFOR, AF

SUBJECT: IMPLEMENTATION OF NEW STATUTORY CONDITION OF
ELIGIBILITY FOR MILITARY ASSISTANCE AND TRAINING

REF: KABUL 6386

IN REF TO YOUR CALL OF JAN. 19 HERE FOLLOWS STATE 283626:

1. WE HAVE REVIEWED PROPOSED AFGHAN TEXT (REFTEL) OF EX-
CHANGE OF NOTES ON ABOVE SUBJECT WITH COL. EDGAR WHO HAS
BEEN OF GREAT ASSISTANCE IN EXPLAINING MOTIVATIONS BEHIND
AFGHAN DRAFT. ON BASIS OF THIS REVIEW WE BELIEVE AFGHAN
TEXT, AS MODIFIED PER PARA. 2 BELOW, PROVIDES ACCEPTABLE
BASIS FOR EXCHANGE OF NOTES.

2. FOLLOWING ARE OUR REVISIONS TO AFGHAN TEXT, KEYED
TO PARA. 3 REFTEL, AND BRIEF EXPLANATIONS THEREFOR:
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(INTRODUCTORY CLAUSE) INTENT AND MEANING OF AFGHAN TEXT NOT
ENTIRELY CLEAR. IF, AS IT APPEARS, AFGHAN CONCERN IS
LIMITED TO MAKING CLEAR THAT SUBJECT OF AGREEMENT IS LIMITED
TO TRAINING PROVIDED BY USG ON GRANT BASIS UNDER INTER-
NATIONAL MILITARY EDUCATION AND TRAINING PROGRAM (IMET),
WE WOULD PREFER THAT INTRODUCTORY LANGUAGE BE REVISED TO

READ AS FOLLOWS; QUO HAVE THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS CONCERNING NEW REQUIREMENTS ESTABLISHED BY THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT WITH RESPECT TO TRAINING FURNISHED ON A GRANT BASIS UNDER THE UNITED STATES INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM, AND RELEVANT TO AFGHANISTAN INsofar AS AFGHANISTAN RECEIVES SUCH TRAINING. WITH RESPECT TO SUCH TRAINING, THE GOVERNMENT OF AFGHANISTAN ACCORDINGLY AGREES THAT IT WILL OBSERVE THE FOLLOWING; UNQUOTE.

(A) ACCEPTABLE WITHOUT CHANGE.

(B) WORDS QUOTE TO FACILITATE BENEFICIAL SECURITY OPERATIONS UNQUOTE ARE INACCEPTABLY VAGUE AND LEND THEMSELVES TO SERIOUS MISINTERPRETATION. TERM QUOTE INTERNAL SECURITY UNQUOTE WOULD APPEAR TO MEET AFGHAN NEEDS AND CORRESPONDS TO ONE OF AUTHORIZED PURPOSES FOR WHICH DEFENSE ARTICLES AND DEFENSE SERVICES MAY BE FURNISHED BY USG UNDER US LAW, AND FOR THESE REASONS WOULD BE FAR PREFERABLE. ACCORDINGLY, LAST PORTION OF PARAGRAPH B SHOULD BE RECAST TO READ AS FOLLOWS; QUOTE SHALL NOT BE BUSED FOR PURPOSES OTHER THAN INTERNAL SECURITY, LEGITIMATE SELF-DEFENSE ACCORDING TO THE CHARTER OF THE UNITED NATIONS, OR SERVICES REQUESTED BY THE UNITED NATIONS. UNQUOTE.

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(C) WORD QUOTE MANUALS UNQUOTE IN AFGHAN TEXT SHOULD BE DROPPED IN FAVOR OF WORD QUOTE MATERIALS UNQUOTE, AS FORMER MAY PROVE TOO NARROW IN CONTEXT OF PARTICULAR TRAINING COURSES. IN ADDITION, ALTHOUGH WE UNDERSTAND AFGHAN MISGIVINGS WITH RESPECT TO RETURN OF TRAINING MATERIALS, US LEGAL REQUIREMENTS ARE SUCH THAT WE CANNOT AVOID ISSUE IN AGREEMENT. WE BELIEVE, HOWEVER, THAT AFGHAN CONCERNS MAY BE MET BY INCLUSION OF FOLLOWING AT END OF PARAGRAPH (C): QUOTE AND, WHEREVER FEASIBLE, WILL BE OFFERED FOR RETURN TO THE UNITED STATES GOVERNMENT WHEN NO LONGER REQUIRED FOR THE PURPOSES FOR WHICH THEY ARE FURNISHED. UNQUOTE.

(D) OUR PRINCIPAL DIFFICULTY HERE IS LAST SENTENCE. IT IS ENTIRELY TRUE THAT WE DO NOT WISH TO IMPOSE CONTINUOUS OBSERVATION AND REVIEW REQUIREMENTS THAT ARE UNACCEPTABLE TO AFGHANS. NEVERTHELESS, LANGUAGE OF LAST SENTENCE SUGGESTS THAT GOA VIEW OF WHAT CONSTITUTES ADEQUATE OBSERVATION AND REVIEW IS CONTROLLING, AND WE ARE CONCERNED THAT IF RETAINED IN AGREEMENT THERE IS SUBSTANTIAL RISK OF SUBSEQUENT MISUNDERSTANDING OF LEGAL CONSEQUENCES OF FAILURE TO DEVELOP MUTUALLY ACCEPTABLE ARRANGEMENTS FOR SUCH OBSERVATION AND REVIEW. ACCORDINGLY, LAST SENTENCE

OF PARAGRAPH (D) SHOULD BE DROPPED.

(E) WHILE WE ARE PREPARED TO ACCEPT PARAGRAPH (E),
AFGHANS SHOULD BE MADE AWARE THAT WE BELIEVE THAT PARA-
GRAPH COULD BE DELETED WITHOUT AFFECTING RIGHTS OR OBLIGA-
TIONS OF EITHER PARTY UNDER AGREEMENT. PURPOSE OF AGREE-
MENT IS TO SATISFY CERTAIN PRECONDITIONS ON ABILITY OF USG
TO FURNISH GRANT MILITARY EDUCATION AND TRAINING TO GOA.
AGREEMENT WOULD NEITHER BIND USG TO PROVIDE SUCH TRAINING
NOR THE GOA TO ACCEPT IT, AND WE WOULD NOT CONSTRUE IT AS
SO DOING. IF GOA NONETHELESS WISHES TO RETAIN PARAGRAPH
(E), WE WOULD REQUEST FOR CLARITY'S SAKE THAT WORDS QUOTE
FINDING THE AFOREMENTIONED PROCEDURE UNQUOTE BE DROPPED
IN FAVOR OF WORDS QUOTE FINDING THE MUTUALLY ACCEPTABLE
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PROCEDURE PROVIDED FOR IN PARAGRAPH (D) OF THIS AGREEMENT
UNQUOTE.

3. AUTHORIZATION TO CONCLUDE EXCHANGE OF NOTES WILL
FOLLOW UPON AGREEMENT ON FINAL TEXT AND APPROVAL BY DE-
PARTMENT. CHRISTOPHER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY ASSISTANCE, MILITARY TRAINING
Control Number: n/a
Copy: SINGLE
Draft Date: 19 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE015318
Document Source: CORE
Document Unique ID: 00
Drafter: MHORNBLOW:DE
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780029-0899
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780144/aaaabkpn.tel
Line Count: 142
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: bed3be2-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 KABUL 6386
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3745838
Secure: OPEN
Status: NATIVE
Subject: IMPLEMENTATION OF NEW STATUTORY CONDITION OF ELIGIBILITY FOR MILITARY ASSISTANCE AND TRAINING
TAGS: MASS, PFOR, AF
To: CINCPAC
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/bed3be2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
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20 Mar 2014
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